

REMARKS/ARGUMENTS

Claims 1-12 and 14-22 are pending. Claims 1, 2, 4-6, 8-10, 12, 13, 15, and 19-22 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,408,543 to Erickson. Claims 1, 2, 4-6, 8-10, and 19-22 were rejected as anticipated by U.S. Patent No. 6,092,311 to MacNamara. Claims 1, 2, 5, 6, 8, and 16-18 were rejected under 35 U.S.C. 103(a) as unpatentable over Torchia in view of Erickson. Claims 3, 7, and 14 were rejected as unpatentable over Erickson or Torchia. Claim 11 was rejected as unpatentable over Erickson or Torchia in view of U.S. Patent No. 5,230,170 to Dahle.

Regarding the rejections under 35 U.S.C. 102(b), it is noted that Claim 13 was rejected only under 35 U.S.C. 102(b) based on Erickson. Applicant has amended Claim 1 to include the features of Claim 13, and Claim 13 has been canceled.

Erickson neither teaches nor suggests the modular insole system of amended Claim 1. In particular, Claim 1 requires that “said left-foot and right-foot heel pieces include heel pieces configured for neutral support of each of the user’s feet, heel pieces for anti-pronation support of each of the user’s feet, and heel pieces for anti-supination support of each of the user’s feet.” In contrast, Erickson teaches only that a plurality of heel cups having side walls of different volumes can be provided, so that the user can adjust the insole to achieve proper fit of the shoe in the heel region (col. 1, lines 43-50). This is achieved by providing heel cups of different heights and/or thicknesses (col. 1, lines 56-58).

Nowhere in Erickson is there any teaching or suggestion of providing a plurality of heel pieces including heel pieces configured for neutral support of each of the user’s feet, heel pieces for anti-pronation support of each of the user’s feet, and heel pieces for anti-supination support of each of the user’s feet.

The insole system of Claim 1 enables a user to configure the insole properly depending on whether the user has a tendency to pronate or supinate, or is “neutral” in that regard. This is not remotely suggested by Erickson.

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For at least these reasons, it is submitted that Claim 1 is patentable over Erickson and the other art of record.

Drawings

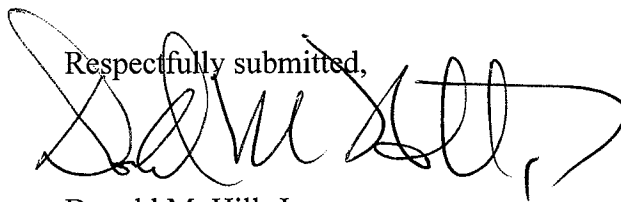
Finally, enclosed herewith is a replacement sheet for Figures 5A and 5B, which has been corrected in accordance with the approved change proposed in the amendment filed on 9/12/2002. It is submitted that the drawing objection has thus been overcome.

Conclusion

Based on the above amendments and remarks, it is submitted that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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